

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS, INC.,

Plaintiff,

-against-

TOWN OF NORTH SALEM, New York,

Defendant.

Docket No.  
07 Civ. 3803 (CLB)

**STIPULATION  
AND ORDER  
OF SETTLEMENT**

**DISCONTINUANCE  
WITH Prejudice**

**WHEREAS**, plaintiff commenced this action challenging the constitutionality of certain Town of North Salem ordinances, and

**WHEREAS**, the parties desire to resolve this action without further accrual of costs or expenses; and

**WHEREAS**, in agreeing to this Stipulation and Order of Settlement, defendant does not admit either that plaintiff's complaint has any merit or that plaintiff would be entitled to any damages in the absence of a settlement;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the respective parties in this action, that:

1. The Town of North Salem has no legislation and/or rules and/or regulations that specifically relate to the placement of newsracks and/or the dissemination of newspapers on town-owned sidewalks and rights of way.
2. Plaintiff hereby agrees to discontinue this action, with prejudice, and without costs, fees, and expenses of any kind, including attorneys fees.

3. Nothing herein shall be deemed to prevent the Town of North Salem in the future from enacting any legislation and/or rule and/or regulation relating to the placement of newsracks and/or the dissemination of newspapers on town-owned sidewalks and rights of way, recognizing that plaintiff shall retain the right to judicially challenge any such legislation and/or rule and/or regulation.

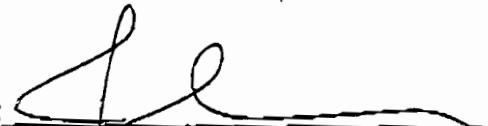
**IT IS FURTHER AGREED** that a facsimile copy of this Stipulation shall have the same force and effect as an original.

Dated: Mineola, New York

November 30, 2007

January 3, 2008

LOVETT & GOULD, LLP  
Attorneys for Plaintiff

By: 

JONATHAN LOVETT (JL-4854)  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401

MIRANDA SOKOLOFF SAMBURSKY  
SLONE VERVENIOTIS LLP  
Attorneys for Defendant

By: 

ADAM I. KLEINBERG (AIK-0468)  
The Esposito Building  
240 Mineola Boulevard  
Mineola, New York 11501  
(516) 741-7676  
Our File No.: 07-399

**SO ORDERED:** January 7, 2008

Charles Street  
U.S.D.J.

1.